



Chairperson: Bob Wyatt, NW Natural
Treasurer: Frederick Wolf, DBA, Legacy Site Services for Arkema

August 29, 2014

Kristine Koch
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, M/S ECL-115
Seattle, Washington 98101-3140

Re: LWG Unresolved Comments on RI Sections 5 and 10 (Lower Willamette River, Portland Harbor Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)

Dear Ms. Koch:

EPA provided the LWG its proposed revisions to Section 5 of the LWG's August 29, 2011 Draft Final Remedial Investigation Report on June 11, 2014. EPA provided its proposed revisions to Section 10 of the Draft Final RI on July 29, 2014, along with a cover letter indicating that the informal resolution process for both RI Section 5 and Section 10 would end August 29, 2014.

EPA and the LWG have met to discuss EPA's revisions to Sections 5 and 10 of the LWG's draft final RI. Although EPA and the LWG have reached agreement on some issues, significant issues remain unresolved, particularly with respect to EPA's deletion of major elements of the LWG's conceptual site model for Portland Harbor. As we have previously communicated to EPA, Integral has advised the LWG that these deletions constitute such significant technical errors and deviations from EPA guidance that Integral will not identify itself as an author of the RI Report as currently revised by EPA. The LWG also will not identify itself as an author of EPA's current version of the report, because, taken as a whole, and especially in light of EPA's revisions to Section 10, the RI no longer reflects the LWG's understanding of how physical, biological, and chemical conditions in Portland Harbor interact with human activities and ecological receptors and does not provide a foundation for assessment of a reasonable set of cleanup alternatives in the FS.

Pursuant to the September 24, 2013 RI Process Agreement, the LWG is elevating the unresolved issues in Sections 5 and 10 to EPA and LWG senior managers for resolution. Enclosed with this letter please find the LWG's comments on unresolved issues in Sections 5 and 10, together with marked up drafts of EPA's proposed revisions to Sections 5 and 10 identifying the material we believe needs to be retained in those sections. The marked up drafts (and a table of other resolved issues related to Section 5) also memorialize agreements the LWG was able to reach with EPA during the informal negotiation period.

If EPA believes it would be productive for the senior managers to meet to discuss these issues, the LWG senior managers are prepared to meet with EPA within 14 working days of this letter. A discussion of RI Sections 5 and 10 could perhaps be added to the agenda for the meeting tentatively planned for September 15, 2014. If not, we will await EPA's final letter directing the LWG to incorporate EPA modifications and comments on all sections of the RI Report, as contemplated in the RI Process Agreement. In either event, we want to assure EPA that, at the end of the process described under the RI Process Agreement, the LWG intends to honor its obligation under the Consent Order, and we will instruct Integral to incorporate EPA's changes into the RI Report and produce a final report for EPA in the manner directed by EPA.

Sincerely,



Bob Wyatt

cc: Sean Sheldrake, U.S. Environmental Protection Agency, Region 10
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians of Oregon
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Nez Perce Tribe
Oregon Department of Fish & Wildlife
United States Fish & Wildlife
Oregon Department of Environmental Quality
LWG Legal
LWG Repository